

# GALLAGHER GOSSEEN FALLER & CROWLEY

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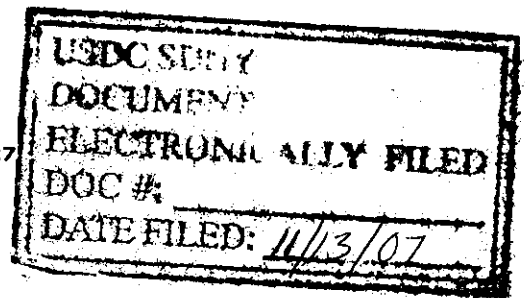
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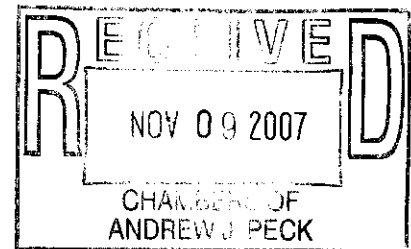
**MEMO ENDORSED** *p2*

November 9, 2007

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Hon. Andrew J. Peck  
United States Magistrate Judge  
Southern District of New York  
500 Pearl Street - Room 620  
New York, New York 10007



Re: Jane Best-Simpson v. New York Organ Donor Network et al  
Case No:07cv2683(BSJ)

Dear Hon. Magistrate Peck:

We are the Attorneys for New York Organ Donor Network, Elaine Berg, Individually and in her Professional Capacity, Michele Clayton Lucas, Individually and in her Professional Capacity, Julia Rivera, Individually and in her Professional Capacity, Martin Woolf, Individually and in his Professional Capacity, Robert Gosseen and Gallagher Gosseen Faller & Crowley.

At the conference on October 23, 2007, you ordered Ms. Best-Simpson to refine her Initial Disclosures and serve them on Defendants within two weeks, which would have made them due November 6, 2007. As of today's date we have not received them. On Thursday, November 1, 2007 Florence McCallister, Mr. Gosseen's Legal Assistant, sent an e-mail to Ms. Best-Simpson reminding her of the due date of the refined Initial Disclosures. She received an e-mail response from Ms. Best-Simpson confirming the due date as November 6th stating that "I do believe that I will be able to comply with that date." Ms. McCallister also called Ms. Best-Simpson and spoke to her regarding the Initial Disclosures, advising her that if she needed more time to request an extension from Your Honor, we would have had no objection. Ms. Best-Simpson indicated that she would have the Initial Disclosures filed in a timely manner but we have not received a request for an extension.

**GALLAGHER GOSSEEN FALLER & CROWLEY**

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Plaintiff has not served the Initial Disclosures despite our good faith efforts to assist her in the deadline ordered by Your Honor.


Defendants also respectfully request that the Court address this matter at the November 20, 2007 conference as litigation cannot be conducted efficiently if deadlines are not taken seriously.

**MEMO ENDORSED**

11/13/07

Respectfully submitted,

GALLAGHER GOSSEEN FALLER & CROWLEY

By:   
Seth W. Berman (SB7407)  
Attorneys for Defendants  
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SB/fm

cc: Jane Best-Simpson (via e-mail and regular mail)  
Eric Prochansky, Esq. (via facsimile)  
Robert I. Gosseen, Esq.

SO ORDERED:

  
Hon. Andrew Jay Peck  
United States Magistrate Judge

**BY FAX**

cc: Mr. Best-Simpson (email)  
Mr. Prochansky  
Mr. Gosseen

# FAX TRANSMITTAL SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
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**Dated:** November 13, 2007

**Total Number of Pages:** 3

TO	FAX NUMBER
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Eric Proshansky, Esq.	212-788-1633

## **TRANSCRIPTION:**

### **MEMO ENDORSED 11/13/07**

The Court extends Ms. Best-Simpson's time to serve and file her Rule 26(a) mandatory disclosures until 11/19/07. The Court also notes that it is incumbent upon Ms. Best-Simpson to comply with deadlines and if she needs an extension to timely request it from the Court!

**Copies to:** Jane Best-Simpson (Email)  
Judge Barbara S. Jones